



PTO/SB/32 (07-09)

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REQUEST FOR ORAL HEARING BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) CU-4849	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>8-18-2011</u>		In re Application of Beat Schilling	
Signature <u>Zareefa B. Flener</u>		Application Number 10/581,951	Filed 08/25/2006
Typed or printed name <u>Zareefa B. Flener</u>		For Device for Sample Preparation	
		Art Unit 2856	Examiner Daniel Sean Larkin
Applicant hereby requests an oral hearing before the Board of Patent Appeals and Interferences in the appeal of the above-identified application.			
The fee for this Request for Oral Hearing is (37 CFR 41.20(b)(3))		\$ <u>1080.00</u>	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:		\$ <u>540.00</u>	
<input type="checkbox"/> A check in the amount of the fee is enclosed.			
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>12-0400</u>			
<input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(b) (PTO/SB/23) is enclosed. For extensions of time in reexamination proceedings, see 37 CFR 1.550.			
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
I am the			
<input type="checkbox"/> applicant/inventor.		<u>Zareefa B. Flener</u> Signature	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		<u>Zareefa B. Flener</u> Typed or printed name	
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>52896</u>		<u>8-18-2011</u> Date	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____		<u>312-427-1300 x257</u> Telephone number	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.		08/24/2011 JADU01 10000000 120400 10501951 01 FC:2403 540.00 DA	

This collection of information is required by 37 CFR 41.20(b)(3). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Beat Schilling et al.

U.S. Serial No. : 10/581,951

Filed : 08/25/2006

Title : Device for Sample
Preparation

Art Unit : 2856

Examiner : Daniel Sean Larkin

) I hereby certify that this paper (and/or
) fee) is being sent by First Class Mail to
) "Commissioner for Patents, P.O. Box
) 1450, Alexandria, VA 22313-1450" at
) the United States Patent and
) Trademark Office on this date:

) Dated: 8-18-2011

) Zareefa B. Flener
) Zareefa B. Flener
) Registration No. 52,896

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR ORAL HEARING

Dear Sir:

This is an urgent Request for an oral hearing in the above identified Appeal. It is noted that the Request is overdue by 4 days. The Applicant strenuously entreats the Board to waive the rules only regarding the due date for the Request because the Request could not be timely made due to extenuating circumstances. The delay was completely unavoidable.

Due to no fault of the Applicant or Counsel, Counsel for the Applicant did not timely receive the client's instructions Requesting that a Petition for an Oral Hearing along with a fee be submitted before the due date of Sunday August 14, 2011. The email instructions were sent to counsel for the Applicant on Friday August 12, 2011, but due to a problem with the email system of Counsel, which has since been corrected, the instructions were not received until Wednesday August 17, 2011, three days after the due date of August 14, 2011.

As soon as the email system was corrected, counsel received the instructions and immediately phoned Jodie Flakowicz at the BPAI on August 17, 2011. Ms. Flakowicz called counsel for the Applicant on August 18, 2011 and informed her that she should submit the Request and Petition none-the-less explaining the unavoidable and extenuating circumstances.

Counsel for the Applicant has made *every* diligent effort to correct the problem and to file the Petition and Request as instructed as soon as possible after the error was discovered.


Counsel apologizes for the error due to the email system, requests that the Applicant not be penalized for the email system error, and humbly requests favorable consideration and understanding from the Board. Counsel further requests that the Petition and Request be accepted and looks forward to the Board's response. If the Board has any questions at all, the Board is encouraged to contact Counsel for the Applicant at the contact information listed below.

Please charge any fees or remit any credits to our deposit account, 12-0400, as necessary.

Respectfully submitted,

Ladas & Parry LLP
224 S. Michigan Ave.
Suite 1600
Chicago, Illinois 60604

Dated: August 18, 2011



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